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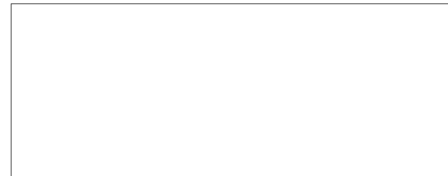
MEMORANDUM FOR: Chief, [REDACTED] DO
FROM: [REDACTED]
Legislation Division
Office of Congressional Affairs
SUBJECT: Amendment to DoD Authorization Bill

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Attached for your information is a copy of the
Congressional Record for 2 August 1989, wherein an
amendment to the Senate version of the DoD Authorization
Bill was passed pertaining to humanitarian aid to
Afghanistan.

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Attachment



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of title 31 for the fiscal year following the fiscal year in which the report is submitted.

"(2) The Secretary of Defense and the Secretary of State, whenever they consider such action to be warranted, shall jointly submit to the Committees on Armed Services and Foreign Relations of the Senate and to the Committees on Armed Services and Foreign Affairs of the House of Representatives a report—

"(A) enumerating those countries to be added to or deleted from the existing designation of countries designated as major non-NATO allies for purposes of this section; and

"(B) specifying the criteria used in determining the eligibility of a country to be designated as a major non-NATO ally for purposes of this section.

"(f) **SIDE-BY-SIDE TESTING.**—(1) It is the sense of Congress—

"(A) that the Department of Defense should perform more side-by-side testing of conventional defense equipment manufactured by the United States and other member nations of NATO; and

"(B) that such testing should be conducted at the late stage of the development process when there is usually only a single United States prime contractor.

"(2) The Deputy Director of Defense Research and Engineering (Test and Evaluation) may acquire items of the type specified in paragraph (3) manufactured by other member nations of NATO for side-by-side comparison testing with comparable items of United States manufacture.

"(3) Items that may be acquired by the Deputy Director under paragraph (2) include the following:

"(A) Submunitions and dispensers.

"(B) Anti-tank and anti-armor guided missiles.

"(C) Mines, for both land and naval warfare.

"(D) Runway-cratering devices.

"(E) Torpedoes.

"(F) Mortar systems.

"(G) Light armored vehicles and major subsystems thereof.

"(H) Utility vehicles.

"(I) High-velocity anti-tank guns.

"(J) Short-Range Air Defense Systems (SHORADS).

"(K) Mobile air defense systems and components.

"(4) The Deputy Director shall notify the committees on Armed Services and on Appropriations of the Senate and House of Representatives of his intent to obligate funds made available to carry out this subsection not less than 30 days before such funds are obligated.

"(5) Not later than February 1 of each year, the Deputy Director shall submit to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives a report—

"(A) on the systems, subsystems, and munitions produced by other member nations of NATO that were evaluated during the previous fiscal year by the Deputy Director; and

"(B) on the obligation of any funds under this subsection during the previous fiscal year.

"(g) **SECRETARY TO ENCOURAGE SIMILAR PROGRAMS.**—The Secretary of Defense shall encourage major allies of the United States to establish programs similar to the one provided for in this section.

"(h) **DEFINITIONS.**—In this section:

"(1) The term 'cooperative research and development project' means a project involving joint participation by the United States and one or more major allies of the United States under a memorandum of understanding (or other formal agreement) to

carry out a joint research and development program—

"(A) to develop new conventional defense equipment and munitions; or

"(B) to modify existing military equipment to meet United States military requirements.

"(2) The term 'major ally of the United States' means a member nation of the North Atlantic Treaty Organization (other than the United States) or a major non-NATO ally.

"(3) The term 'major non-NATO ally' means a country (other than a member nation of the North Atlantic Treaty Organization) designated as a major non-NATO ally for purposes of this section by the Secretary of Defense with the concurrence of the Secretary of State."

(b) **REPEALS.**—Section 1103 of the Department of Defense Authorization Act, 1986 (10 U.S.C. 2407 note), and section 1105 of the Department of Defense Authorization Act, 1987 (22 U.S.C. 2767a), are repealed.

TITLE III—OPERATION AND MAINTENANCE

PART A—AUTHORIZATION OF APPROPRIATIONS

SEC. 301. OPERATION AND MAINTENANCE FUNDING

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance in amounts as follows:

(1) For the Army:

(A) \$23,453,700,000 for fiscal year 1990.

(B) \$24,589,900,000 for fiscal year 1991.

(2) For the Navy:

(A) \$24,358,200,000 for fiscal year 1990.

(B) \$24,945,900,000 for fiscal year 1991.

(3) For the Marine Corps:

(A) \$1,700,500,000 for fiscal year 1990.

(B) \$1,767,500,000 for fiscal year 1991.

(4) For the Air Force:

(A) \$22,709,500,000 for fiscal year 1990.

(B) \$23,269,300,000 for fiscal year 1991.

(5) For the Defense Agencies:

(A) \$7,926,000,000 for fiscal year 1990.

(B) \$8,237,900,000 for fiscal year 1991.

(6) For the Army Reserve:

(A) \$864,300,000 for fiscal year 1990.

(B) \$902,600,000 for fiscal year 1991.

(7) For the Naval Reserve:

(A) \$895,700,000 for fiscal year 1990.

(B) \$949,900,000 for fiscal year 1991.

(8) For the Marine Corps Reserve:

(A) \$77,500,000 for fiscal year 1990.

(B) \$79,400,000 for fiscal year 1991.

(9) For the Air Force Reserve:

(A) \$981,900,000 for fiscal year 1990.

(B) \$1,015,400,000 for fiscal year 1991.

(10) For the Army National Guard:

(A) \$1,875,500,000 for fiscal year 1990.

(B) \$1,896,300,000 for fiscal year 1991.

(11) For the Air National Guard:

(A) \$1,988,400,000 for fiscal year 1990.

(B) \$2,104,600,000 for fiscal year 1991.

(12) For the National Board for the Promotion of Rifle Practice:

(A) \$4,700,000 for fiscal year 1990.

(B) \$5,600,000 for fiscal year 1991.

(13) For the Defense Inspector General:

(A) \$96,200,000 for fiscal year 1990.

(B) \$97,600,000 for fiscal year 1991.

(14) For the Court of Military Appeals:

(A) \$4,000,000 for fiscal year 1990.

(B) \$4,200,000 for fiscal year 1991.

(15) For Environmental Restoration, Defense:

(A) \$517,800,000 for fiscal year 1990.

(B) \$519,900,000 for fiscal year 1991.

(16) For the Goodwill Games, as provided in section 305 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 1949), \$14,600,000 for fiscal year 1990.

(17) For Humanitarian Assistance:

(A) \$13,000,000 for fiscal year 1990.

(B) \$13,000,000 for fiscal year 1991.

(b) **GENERAL AUTHORIZATION FOR CONTINGENCIES.**—There is authorized to be appropriated for fiscal years 1990 and 1991, in addition to the amounts authorized to be appropriated in subsection (a), such sums as may be necessary—

(1) for unbudgeted increases in fuel costs; and

(2) for unbudgeted increases as the result of inflation in the cost of activities authorized by subsection (a).

SEC. 302. WORKING CAPITAL FUNDS

Funds are hereby authorized to be appropriated for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working-capital funds in amounts as follows:

(1) For the Army Stock Fund:

(A) \$97,600,000 for fiscal year 1990.

(B) \$141,500,000 for fiscal year 1991.

(2) For the Navy Stock Fund:

(A) \$201,400,000 for fiscal year 1990.

(B) \$232,100,000 for fiscal year 1991.

(3) For the Air Force Stock Fund:

(A) \$306,300,000 for fiscal year 1990.

(B) \$319,600,000 for fiscal year 1991.

(4) For the Defense Stock Fund:

(A) \$94,100,000 for fiscal year 1990.

(B) \$156,300,000 for fiscal year 1991.

SEC. 303. DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

There are authorized to be appropriated to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 102 Stat. 2631) the following amounts:

(1) \$300,000,000 for fiscal year 1990.

(2) \$500,000,000 for fiscal year 1991.

SEC. 304. HUMANITARIAN ASSISTANCE

(a) **PURPOSE.**—Funds appropriated pursuant to the authorization in section 301 for humanitarian assistance shall be used for the purpose of providing transportation for humanitarian relief for persons displaced or who are refugees because of the invasion of Afghanistan by the Soviet Union. Of the funds appropriated for fiscal years 1990 and 1991 pursuant to such section for such purpose, not more than \$3,000,000 may be used for distribution of humanitarian relief supplies to the non-Communist resistance organization at or near the border between Thailand and Cambodia.

(b) **AUTHORITY TO TRANSFER FUNDS.**—The Secretary of Defense may transfer to the Secretary of State not more than \$3,000,000 of the funds appropriated pursuant to section 301 for fiscal years 1990 and 1991 for humanitarian assistance to provide for—

(1) the payment of administrative costs incurred in providing the transportation described in subsection (a); and

(2) the purchase or other acquisition of transportation assets for the distribution of humanitarian relief supplies in the country of destination.

(c) **TRANSPORTATION UNDER DIRECTION OF THE SECRETARY OF STATE.**—Transportation for humanitarian relief provided with funds appropriated pursuant to section 301 for humanitarian assistance shall be provided under the direction of the Secretary of State.

(d) **MEANS OF TRANSPORTATION TO BE USED.**—Transportation for humanitarian relief provided with funds appropriated pursuant to section 301 for humanitarian assistance shall be provided by the most economical commercial or military means available, unless the Secretary of State determines that it is in the national interest of the United States to provide transportation

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other than by the most economical means available. The means used to provide such transportation may include the use of aircraft and personnel of the reserve components of the Armed Forces.

(e) **AVAILABILITY OF FUNDS.**—Funds appropriated pursuant to section 301 for humanitarian assistance shall remain available until expended, to the extent provided in appropriation Acts.

(f) **REPORTS TO CONGRESS.**—(1) The Secretary of Defense shall submit (at the times specified in paragraph (2)) to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives a report on the provision of humanitarian assistance under the humanitarian relief laws specified in paragraph (4).

(2) A report required by paragraph (1) shall be submitted—

(A) not later than 60 days after the date of the enactment of this Act;

(B) not later than June 1, 1990; and

(C) not later than June 1 of each year thereafter until all funds available for humanitarian assistance under the humanitarian relief laws specified in paragraph (4) have been obligated.

(3) A report required by paragraph (1) shall contain (as of the date on which the report is submitted) the following information:

(A) The total amount of funds obligated for humanitarian relief under the humanitarian relief laws specified in paragraph (4).

(B) The number of scheduled and completed flights for purposes of providing humanitarian relief under the humanitarian relief laws specified in paragraph (4).

(C) A description of any transfer (including to whom the transfer is made) of excess nonlethal supplies of the Department of Defense made available for humanitarian relief purposes under section 2547 of title 10, United States Code.

(4) The humanitarian relief laws referred to in paragraphs (1), (2), and (3) are the following:

(A) This section.

(B) Section 305 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 617).

(C) Section 331 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1078).

(D) Section 303 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 1948).

(5) Section 303 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 1948), is amended by striking out subsection (f).

PART B—LIMITATIONS

SEC. 321. REPEAL OF LIMITATION ON THE USE OF OPERATION AND MAINTENANCE FUNDS TO PURCHASE INVESTMENTS

Section 303 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1073) is repealed.

SEC. 322. PROHIBITION ON JOINT USE OF THE MARINE CORPS AIR STATION AT EL TORO, CALIFORNIA, WITH CIVIL AVIATION

The Secretary of the Navy may not enter into any agreement that would provide for, or permit, civil aircraft to regularly use the Marine Corps Air Station at El Tero, California.

PART C—BASE CLOSURE AND REALIGNMENT MATTERS

SEC. 331. BASE CLOSURE REPORT

(a) **REPORT REQUIREMENT.**—Not later than November 15, 1989, the Comptroller General of the United States shall submit to the

Secretary of Defense and the Committees on Armed Services of the Senate and the House of Representatives a report on the methodology, findings, and recommendations of the Commission on Base Realignment and Closure.

(b) **CONTENT OF REPORT.**—(1) The report shall include an analysis of the following:

(A) The adequacy and accuracy of the information relied upon as a basis for the Commission's recommendations.

(B) The process used in the determination of military missions and requirements and the military value of the bases in meeting such missions and requirements.

(C) The criteria used to select bases to be closed or realigned.

(D) The findings regarding military and civilian personnel reductions and associated relocation and termination expenses.

(E) The findings regarding nonrecurring costs, including expenses such as costs of construction, personnel, and logistics.

(F) The findings regarding long-term, annual savings, including the estimated cost amortization period.

(G) The findings regarding assumed proceeds from property sales for each applicable initiative.

(H) The findings regarding any environmental restoration costs that must be incurred in order to make it possible to sell or transfer excess property.

(2) Where any inaccuracies in the information referred to in paragraph (1)(A) are noted in the report, the Comptroller General shall include in the report an assessment of the effects of such inaccuracies upon the ranking of installations by the Commission within functional categories.

SEC. 332. REPORT ON ENVIRONMENTAL RESTORATION OF JEFFERSON PROVING GROUND, INDIANA

(a) **REPORT REQUIREMENT.**—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the environmental contamination at the Jefferson Proving Ground, Indiana, resulting from the activities of the Department of Defense. The report shall include the following:

(1) A description of the nature and extent of the environmental contamination, including any contamination resulting from hazardous materials.

(2) A detailed plan to restore all portions of the Jefferson Proving Ground south of the firing line to full and unrestricted use.

(3) A description of all portions of the Jefferson Proving Ground which the Department of Defense does not plan to make available for full and unrestricted use for reasons of liability, costs of cleanup, or any other reason.

(4) A plan to finance the cleanup of the Jefferson Proving Ground, including estimated costs of the cleanup, identification of the sources of funds for cleanup, and a time schedule for implementation of cleanup measures.

(b) **CONSULTATION.**—The Secretary shall consult with appropriate State and local officials in preparing the report required by subsection (a).

(c) **DEADLINE FOR REPORT.**—The report required by subsection (a) shall be submitted not later than April 15, 1990.

SEC. 333. NOTICE TO LOCAL AND STATE EDUCATIONAL AGENCIES OF ENROLLMENT CHANGES DUE TO BASE CLOSURES AND REALIGNMENTS

(a) **NOTICE REQUIRED.**—Not later than January 1 of each year in which any activities necessary to close or realign a military installation under title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526;

102 Stat. 2627) are conducted, the Secretary, in consultation with the Secretary of Education, shall—

(1) to the extent practicable, identify each local educational agency that will experience at least a 5 percent increase or at least a 10 percent reduction in the number of minor dependents of members of the Armed Forces and minor dependents of civilian employees of the Department of Defense enrolled in schools under the jurisdiction of such agency during the next academic year (compared with the number of such dependents enrolled in such schools during the preceding year) as a result of the closure or realignment of a military installation under that Act; and

(2) not later than 30 days after identifying such local educational agency, transmit a written notice of the schedule for the closure or realignment of that military installation to such local educational agency and to the State government education agency responsible for administering State government education programs involving that local educational agency.

PART D—MISCELLANEOUS REPORTING REQUIREMENTS

SEC. 341. REPORT ON MILITARY UTILIZATION OF THE INLAND NAVIGATION SYSTEM

Not later than one year after the date of the enactment of this Act, the Secretary of the Army shall submit to Congress a report on the potential for obtaining efficiencies, savings, and enhanced mobilization preparedness through increased utilization of the national inland waterway system by the Department of Defense and defense industries.

SEC. 342. REPORT ON ENVIRONMENTAL REQUIREMENTS AND PRIORITIES

(a) **REPORT REQUIREMENT.**—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a comprehensive report on the long-range environmental challenges and goals of the Department of Defense.

(b) **MATTERS TO BE INCLUDED.**—The report under subsection (a) shall include the following:

(1) A discussion of major environmental concerns that the Department of Defense will face world-wide in the next decade, and a qualitative and quantitative assessment, where practicable, of each concern.

(2) A status report of current efforts, programs, resources, and policies used to address the concerns identified under paragraph (1).

(3) The projected funding for and schedule of actions under the Department of Defense Installation Restoration Program.

(4) An assessment of Federal, State, and local environmental regulatory requirements and the effects of such requirements on operations and activities of the Department of Defense.

(5) An analysis of all the information described in paragraphs (1) through (3) and a discussion of potential courses of action, priorities, and goals of the Department of Defense.

(6) Such comments and recommendations as the Secretary considers appropriate.

(c) **SUBMISSION OF REPORT.**—The report required by subsection (a) shall be submitted not later than two years after the date of the enactment of this Act.

SEC. 343. SOIL AND WATER CONTAMINATION NEAR MEAD, NEBRASKA

(a) Since the U.S. Army Corps of Engineers is investigating soil and water contamination at the former Nebraska Ordnance Plant near Mead, Nebraska;

(2) Since solvents, polychlorinated biphenyls (PCBs) and RDX, and explosive